

**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION NO.7736 OF 2007**

**Dated 16-04-2007**

Between:

M/s Secunderabad Club ... Petitioner

And

The Commercial Tax Officer  
And two others ... Respondents

**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION NO.7736 OF 2007**

**ORDER** *(Per the Hon'ble Sri Justice Bilal Nazki):*

Heard learned counsel for the parties. With their consent, the matter is being disposed of at this stage.

The petitioner had filed a first appeal before the Appellate Deputy Commissioner and also filed an application for grant of stay, which was rejected. Thereafter he approached this Court by filing Writ Petition No.5357 of 2006 seeking stay of recovery of disputed tax and this Court granted stay, pending appeal, subject to deposit of 50% of the disputed tax. The first appeal has been decided against the petitioner and he filed a second appeal before the Sales Tax Appellate Tribunal. Pending appeal before the Sales Tax Appellate Tribunal, he filed this writ petition seeking stay of collection of the balance disputed tax.

Since the petitioner has already deposited 50% of the disputed tax by virtue of the order, dated 21<sup>st</sup> March, 2006, passed in Writ Petition No.5357 of 2006, we direct that there shall be stay of collection of the balance disputed tax till the appeal filed by the petitioner before the Sales Tax Appellate Tribunal is decided.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki,J)

Dated 16<sup>th</sup> April, 2007

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(Nooty Ramamohana Rao,J)

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